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No safety briefing for fatal Hawkes Bay helicopter flight, says CAA

There was no safety briefing provided before a fatal Hawkes Bay helicopter crash near Ngamatea Station on 14 June 2018, and two non-essential passengers were onboard, says the Civil Aviation Authority (CAA) today.

The aircraft crashed at about 8.42am that morning and when located one passenger had critical injuries, Mr Guerin (the pilot in charge) and the junior pilot had serious injuries; and two passengers' moderate injuries. The company held the appropriate certificates for a commercial and agricultural helicopter service.

CAA Aviation Safety Deputy Chief Executive Mr Dean Winter said that while the cause of the accident was still to be determined by the Transport Accident Investigation Commission, the CAA had taken the prosecution because the rules were in place to ensure minimum standards of safety for both the pilot and passengers.

“In this case, a safety briefing wasn't provided and more importantly there were two passengers on the flight who did not need to have been on the flight that day. It's important for pilots to consider that the reasons for not carrying non-essential passengers, is to reduce the consequence of such an incident.”

The Taupo District Court sentenced the defendant Helicopter Hawkes Bay (2006) Limited on 11 June 2020 in relation to a charge of operating an MD 600N helicopter carelessly. The pilot was conducting an agricultural aerial operation to look at crops on Ngamatea Station when the accident occurred.

The defendant Mr Guerin, the sole director and part-shareholder of the company, pleaded guilty to an act of operating an aircraft in a careless manner in breach of section 43A of the Civil Aviation Act.

Judge MacKenzie said that she was not making any findings about the cause of the crash (which the defence submitted was comprehensive mechanical failure) and was proceeding on the basis that the breaches had not caused the passenger's death.

The Judge considered there were two aggravating features – the carelessness demonstrated by two breaches of the Civil Aviation rules, and the unnecessary exposure of two people to the inherent risks of low-level flying. That risk should have been obvious to an experienced company and pilot, she said.

She assessed the defendant's culpability as low-moderate and fined the defendant Mr Guerin 33% of the maximum penalty, which was \$11,500, reduced to \$6,750, for personal mitigating factors and because Mr Guerin had pleaded guilty.

Ends

Note: the careless acts were in relation to breaches of two Civil Aviation rules (CAR's) – failing to provide a safety briefing as required by CAR 91.211 and carrying persons on the flight that were non-essential in breach of CAR 91.311(c)(2).

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